

REMARKS/ARGUMENTS

Claims 1, 2, and 7-10 remain in the application. Claims 1 and 7 are the independent claims. In a parent application (US Serial No. 08/868,401), claims 1, 2, and 7-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,408,683 to Ablay *et al.* (hereinafter *Ablay*) in view of U.S. Patent No. 5,590,092 to Fehnl (hereinafter *Fehnl*). In order to expedite allowance of the parent application, the rejected claims were cancelled from the parent application and are now pursued in this continuation application.

Independent claims 1 and 7 of this continuation application are patentable over the *Ablay* and *Fehnl* patents, whether considered alone or in combination. Both the *Ablay* and *Fehnl* references fail to teach or suggest, for example, the elements of:

“determining a time zone associated with a detected location of the recipient. . .” as in claim 1 of the application; or

“determining a second time zone in which the mobile recipient is located. . .” as in claim 7 of the application.

In fact, neither *Ablay* nor *Fehnl* discuss or even contemplate the determination of time zones. Therefore, the *Ablay* reference, either alone or in combination with *Fehnl*, fails to establish a prima facie case of obviousness. “To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” See MPEP ¶ 2142; *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

As discussed above, *Ablay* does not teach or suggest the determination of time zones. *Ablay* is related to a method of tracking subscribers, who are able to roam through a plurality of different coverage areas. The method includes a central processor that records a message time for an inbound message. However, there is no disclosure related to determining the time zone of a subscriber.

Fehnl does not remedy the deficiencies of *Ablay*. *Fehnl* relates to the generation of the current time of day in a cellular radiotelephone by monitoring changes in the registration ID field

of the overhead messages as the registration ID is incremented. According to *Fehnl*, current time of day may be generated in cellular radiotelephone systems which do not broadcast a current time of day, without the need for real time clock chips in the cellular radiotelephone. However, there is no disclosure related to determining the time zone of the location of the radiotelephone.

Further, because there is no teaching or suggestion by either reference of time zone determination, there can be no motivation or suggestion to modify or combine the teachings to arrive at the undisclosed element of time zone determination.

Thus, it is respectfully submitted that *Ablay* and *Fehnl*, whether taken alone or together, cannot render independent claims 1 and 7 obvious. Furthermore, because these independent claims are not obvious in light of *Ablay* and *Fehnl*, it stands that claims 2 and 8-12, each ultimately depending from these allowable claims, are also not rendered obvious.

CONCLUSION

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

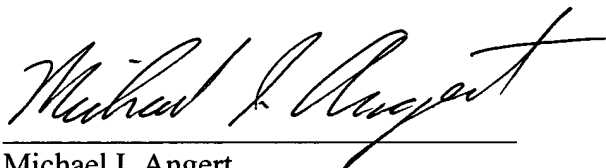
In view of the amendments submitted above, Applicants respectfully request withdrawal of all outstanding rejections and allowance of the application. A notice to that effect is earnestly solicited.

The Office is hereby authorized to charge all required fees, including all required extension of time fees under 37 C.F.R. 1.17, or credit any overpayments to Deposit Account 11-0600.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

Date: April 23, 2001

A handwritten signature in black ink, reading "Michael I. Angert", written over a horizontal line.

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Version with markings to show changes made.

In the specification:

Page 1, in the first line of the specification, following the title, the following new paragraph has been inserted:

This application is a continuation of U.S. Patent Application Serial No. 08/868,401, filed June 3, 1997, and incorporated herein by reference in its entirety.